S T A T E O F N E W Y O R K

3124--A

2011-2012 Regular Sessions

I N A S S E M B L Y

January 24, 2011

Introduced by M. of A. P. LOPEZ, McDONOUGH, GIGLIO, DUPREY, SAYWARD, CALHOUN, BURLING, MONTESANO, CROUCH, RAIA, BLANKENBUSH, FINCH, LOSQUADRO, JORDAN, MOLINARO, MURRAY, P. RIVERA, JOHNS -- Multi-Sponsored by -- M. of A. AMEDORE, BARCLAY, CERETTO, GOODELL, McLAUGHLIN, PALMESANO, REILICH -- read once and referred to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to authorizing school districts and boards of cooperative educational services to enter into agreements or contracts with each other to perform the same functions and provide the same services that each is authorized to perform or provide

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The education law is amended by adding a new section 1510-a to read as follows:

S 1510-A. SHARING OF SCHOOL ADMINISTRATIVE SERVICES. ANY SCHOOL DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES MAY ENTER INTO AN AGREEMENT WITH ANY OTHER SCHOOL DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES TO PERFORM THE SAME ADMINISTRATIVE FUNCTIONS AND PROVIDE THE SAME ADMINISTRATIVE SERVICES THAT EACH IS AUTHORIZED TO PERFORM OR PROVIDE.

S 2. Section 1604 of the education law is amended by adding a new subdivision 43 to read as follows:

43. SHALL HAVE THE OPTION TO AGREE OR CONTRACT WITH ANY SCHOOL DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES TO PERFORM THE SAME ADMINISTRATIVE FUNCTIONS AND PROVIDE THE SAME ADMINISTRATIVE SERVICES THAT EACH IS AUTHORIZED TO PERFORM OR PROVIDE. TO THE EXTENT THAT ANY SCHOOL DISTRICTS SHARE SERVICES FOR WHICH THEY WOULD BE ENTITLED TO STATE AID IF SUCH SERVICES WERE PROVIDED INDIVIDUALLY, THE COMMISSIONER MAY AUTHORIZE THE PAYMENT OF SUCH AID TO ONE OR MORE SCHOOL DISTRICTS IN AMOUNTS AGREED TO BETWEEN THE SCHOOL DISTRICTS AND THE COMMISSIONER; PROVIDED THAT SUCH AMOUNTS SHALL NOT EXCEED THE TOTAL AID WHICH WOULD HAVE BEEN OTHERWISE PAYABLE HAD EACH SCHOOL DISTRICT

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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PROVIDED SUCH SERVICE INDIVIDUALLY. WHERE THE COMMISSIONER DISTRIBUTES AID IN THE MANNER DESCRIBED ABOVE, IN AN AMOUNT LESS THAN THE TOTAL FOR WHICH THE DISTRICTS COMBINED WOULD HAVE OTHERWISE BEEN ENTITLED HAD SUCH SERVICES NOT BEEN SHARED, THE COMMISSIONER SHALL ISSUE A WRITTEN DETERMINATION WHICH SHALL EXPLAIN THE RATIONALE FOR THE DECISION AND WHETHER SUCH DECISION SHALL HAVE A BINDING EFFECT ON OTHER SIMILAR SITUATIONS. SUCH DECISIONS SHALL BE REVIEWABLE BY APPEAL TO THE COMMISSIONER, AND, IF SUCH APPEAL IS NOT RESOLVED IN A SATISFACTORY MANNER, SHALL BE REVIEWED BY A COURT OF COMPETENT JURISDICTION PURSUANT TO ARTICLE SEVENTY-EIGHT OF THE CIVIL PRACTICE LAW AND RULES.

S 3. Section 1709 of the education law is amended by adding a new subdivision 43 to read as follows:

43. SHALL HAVE THE OPTION TO AGREE OR CONTRACT WITH ANY SCHOOL DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES TO PERFORM THE SAME ADMINISTRATIVE FUNCTIONS AND PROVIDE THE SAME ADMINISTRATIVE SERVICES THAT EACH IS AUTHORIZED TO PERFORM OR PROVIDE. TO THE EXTENT THAT ANY SCHOOL DISTRICTS SHARE SERVICES FOR WHICH THEY WOULD BE ENTITLED TO STATE AID IF SUCH SERVICES WERE PROVIDED INDIVIDUALLY, THE COMMISSIONER MAY AUTHORIZE THE PAYMENT OF SUCH AID TO ONE OR MORE SCHOOL DISTRICTS IN AMOUNTS AGREED TO BETWEEN THE SCHOOL DISTRICTS AND THE COMMISSIONER; PROVIDED THAT SUCH AMOUNTS SHALL NOT EXCEED THE TOTAL AID WHICH WOULD HAVE BEEN OTHERWISE PAYABLE HAD EACH SCHOOL DISTRICT PROVIDED SUCH SERVICE INDIVIDUALLY. WHERE THE COMMISSIONER DISTRIBUTES AID IN THE MANNER DESCRIBED ABOVE, IN AN AMOUNT LESS THAN THE TOTAL FOR WHICH THE DISTRICTS COMBINED WOULD HAVE OTHERWISE BEEN ENTITLED HAD SUCH SERVICES NOT BEEN SHARED, THE COMMISSIONER SHALL ISSUE A WRITTEN DETERMINATION WHICH SHALL EXPLAIN THE RATIONALE FOR THE DECISION AND WHETHER SUCH DECISION SHALL HAVE A BINDING EFFECT ON OTHER SIMILAR SITUATIONS. SUCH DECISIONS SHALL BE REVIEWABLE BY APPEAL TO THE COMMISSIONER, AND, IF SUCH APPEAL IS NOT RESOLVED IN A SATISFACTORY MANNER, SHALL BE REVIEWED BY A COURT OF COMPETENT JURISDICTION PURSUANT TO ARTICLE SEVENTY-EIGHT OF THE CIVIL PRACTICE LAW AND RULES.

S 4. Subparagraph 1 of paragraph d of subdivision 4 of section 1950 of the education law, as amended by chapter 474 of the laws of 1996, is amended to read as follows:

(1) Aidable shared services. At the request of [component] ANY school [districts] DISTRICT, and with the approval of the commissioner, provide any of the following services on a cooperative basis: ADMINISTRATION, school nurse teacher, attendance supervisor, supervisor of teachers, dental hygienist, psychologist, teachers of art, music, physical education, career education subjects, TRANSPORTATION, guidance [counsellors] COUNSELORS, operation of special classes for students with disabilities, as such term is defined in article eighty-nine of this chapter; pupil and financial accounting service by means of mechanical equipment; maintenance and operation of cafeteria or restaurant service for the use of pupils and teachers while at school, and such other services as the commissioner may approve. Such cafeteria or restaurant service may be used by the community for school related functions and activities and to furnish meals to the elderly residents of the district, sixty years of age or older. Utilization by elderly residents or school related groups shall be subject to the approval of the board of education. Charges shall be sufficient to bear the direct cost of preparation and serving of such meals, exclusive of any other available reimbursements.

S 5. This act shall take effect immediately.